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EMPLOYMENT LITIGATION DIVISION

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FILED
Superior Court of California
County of Los Angeles

APR 10 2018

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11 Attorneys for Plaintiff
12 RAYMOND GARVIN

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES

15 RAYMOND GARVIN,
16 Plaintiff,

) Case No. BC694158
) Assigned to Hon. Stephanie Bowick,
) Dept 19

17 vs.

18 CITY OF LOS ANGELES; and DOES 1
19 through 100, inclusive,
20 Defendants.

) FIRST AMENDED COMPLAINT FOR
) DAMAGES FOR:
) (1) VIOLATION OF LABOR CODE
) SECTION 1102.5
) (2) VIOLATION OF THE
) CALIFORNIA FAIR
) EMPLOYMENT AND HOUSING
) ACT - RETALIATION

21 DEMAND FOR JURY TRIAL

22 Action Filed: February 9, 2018
23 Trial Date: None set

24 Plaintiff RAYMOND GARVIN ("PLAINTIFF") for himself and no one else, hereby
25 complains and alleges as follows:

26 JURISDICTION, VENUE, AND PARTIES

- 27 1. The events alleged herein occurred within the district of this Court, in the
28 County of Los Angeles, State of California.
2. Plaintiff is informed and believe and thereon allege that, at all times relevant

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1 hereto, defendant City of Los Angeles ("City"), was an entity committing torts in and
2 engaged as a matter of commercial actuality in purposeful economic activity within the
3 County of Los Angeles, State of California. At all times pertinent hereto, Defendant City
4 owned, controlled, and operated the law enforcement agency known as the City of Los
5 Angeles Police Department.

6 3. Plaintiff is informed and believes and thereupon alleges that defendants
7 DOES 1 through 33, inclusive, and each of them, were, at all times relevant hereto, public,
8 business, and/or other entities whose form is unknown, committing torts in and/or
9 engaged as a matter of commercial actuality, in purposeful economic activity within the
10 County of Los Angeles, State of California.

11 4. Plaintiff is informed and believes and thereupon alleges that defendants
12 DOES 34 through 67, inclusive, and each of them, were, at all times relevant hereto,
13 individuals, residing in and/or committing torts within the County of Los Angeles, State of
14 California.

15 5. Plaintiff is informed and believes and thereupon alleges that DOES 68
16 through 100, inclusive, and each of them, at all times relevant hereto, were residents of
17 the County of Los Angeles, State of California, and were agents, partners, and/or joint
18 venturers of defendants and/or DOES 1 through 33, inclusive, acting as supervisors,
19 managers, administrators, owners, and/or directors or in some other unknown capacity.

20 6. The true names and capacities of defendants DOE 1 through 100, and each
21 of them, whether individual, corporate, associate or otherwise, are unknown to plaintiff at
22 this time, who therefore sues said defendants by such fictitious names. Plaintiff will file
23 DOE amendments, and/or ask leave of court to amend this complaint to assert the true
24 names and capacities of these defendants when they have been ascertained. Plaintiff is
25 informed and believes, and upon such information and belief alleges, that each defendant
26 herein designated as a DOE was and is in some manner, negligently, wrongfully, or
27 otherwise, responsible and liable to plaintiff for the injuries and damages hereinafter
28 alleged, and that plaintiff's damages as herein alleged were proximately caused by their

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1 conduct.

2 7. Each defendant principal and/or employer herein had advance knowledge of
3 the unfitness of each defendant agent and/or employee, and employed each such agent
4 and/or employee with a conscious disregard of the rights or safety of others or otherwise
5 authorized or ratified the wrongful conduct of each such agent and/or employee. As to
6 each such corporate or other entity defendant herein, the advance knowledge and
7 conscious disregard, authorization, ratification, or act of oppression, fraud, or malice was
8 on the part of an officer, director, or managing agent of the corporation or other entity.

9 8. Plaintiff is further informed and believes that, at all times relevant hereto,
10 Defendants, and each of them, acted in concert and in furtherance of the interests of each
11 other defendant.

12 9. This Court is the proper court because injury or damage to Plaintiff and/or
13 the personal property of same occurred in its jurisdictional area.

14 FACTS APPLICABLE TO ALL CAUSES OF ACTION

15 10. From in or around 1988 until the present, Plaintiff has been employed by the
16 City of Los Angeles as a sworn peace officer in the Los Angeles Police Department (the
17 "Department"). Plaintiff attained the rank of Lieutenant in or around 2005, and attained
18 the rank of Lieutenant II in or around 2007.

19 11. Beginning in or around 2012, Plaintiff was assigned to as the Officer in
20 Charge ("OIC") of the Emergency Services Division ("ESD"), Bomb Detection Canine
21 Section ("BDCS"), which is a coveted Lieutenant II + II position. When Plaintiff became
22 OIC of the BDCS, it was comprised of Plaintiff, two sergeants, and approximately 15
23 police officer canine handlers. Each handler worked with an on-leash bomb detection
24 canine.

25 12. After Plaintiff became the OIC of the BDCS, he created and secured grant
26 funding for three additional officer-canine teams. These teams were developed to perform
27 more specialized and sophisticated searches, including off-leash searches and searches
28 to detect small vapors emitted by explosives. One of the officers in these three grant-

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1 funded canine teams was Officer Tom Deluccia.

2 13. In or about early 2015, Plaintiff learned that Captain Kathryn Meek might be
3 replacing Captain John Incontro as the Commanding Officer of ESD. Upon learning this
4 information, Plaintiff expressed concerns to Incontro that Meek's romantic relationship
5 with a subordinate bomb detection canine officer under Plaintiff's command would create
6 a conflict with Plaintiff and others. More specifically, Plaintiff expressed concerns that
7 because the subordinate officer had conflicts with Plaintiff over work performance, Meek
8 would retaliate against Plaintiff to create favor for the officer. In addition, Plaintiff believed
9 that Meek might request and give more favorable treatment to her love interest as
10 opposed to other officers including female officers who may be more qualified. Plaintiff
11 reasonably believed that he was reporting a potential violation of one or more local, state,
12 and/or federal statutes and regulations, including but not limited to California Fair
13 Employment and Housing Act. In or about early 2016, Plaintiff again reiterated his
14 concerns to Captain Rolando Solano who had briefly replaced Incontro.

15 14. In or around March of 2016, Meek became the Commanding Officer of ESD.
16 Meek had previously held Plaintiff's position, and had remained very close to various male
17 police officers in the Unit, including Officer Deluccia, with whom she had been in a
18 romantic relationship. As the Commanding Officer of ESD, Meek took various actions to
19 benefit the male officers she was close to, including Deluccia and officers close to
20 Deluccia.

21 15. First, before Meek even started as the Commanding Officer of ESD, she
22 called Plaintiff and informed him that she was moving the three grant-funded canine
23 teams from the BDCS to the Bomb Squad, which is a separate unit in ESD. Although
24 Plaintiff requested to discuss this move and its problematic consequences with Meek,
25 Meek refused to have any discussion with Plaintiff.

26 16. Meek's movement of the three grant-funded canine teams from the BDCS to
27 the Bomb Squad created various advantages for Deluccia and the other two officers on
28 those teams. Most notably, prior to Meek's decision, all approximately 18 of the officer-

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1 canine teams in the BDCS participated in a rotation for Bomb Squad call outs and special
2 overtime details. After Meek moved the three grant-funded canine teams to the Bomb
3 Squad, however, Bomb Squad call outs and special overtime details were assigned
4 exclusively to those three teams, resulting in greater overtime for those three officers.

5 17. In the spring of 2016, a Trainer position (a Police Officer III + 5) became
6 vacant in the BDCS. Officer Mark Sauvao, who already held a Trainer position, wanted
7 one of his close friends to fill the vacant position. Plaintiff selected Officer Ara Hollenbeck
8 for the position. Sauvao was upset and set out to undermine Hollenbeck.

9 18. On or about early to mid-April 2016, Hollenbeck participated in a bomb
10 detection canine Transportation Safety Administration ("TSA") certification test at the
11 Bradley International Terminal at the Los Angeles International Airport. Foreign scent
12 items were found planted in the testing area in what appeared to be an attempt to make
13 the dog falsely alert so that Hollenbeck and his dog would fail the certification and not
14 qualify for the trainer position. Surveillance footage showed Sauvao entering the
15 certification testing area just thirty minutes before the test, and with no justifiable reason.
16 Plaintiff reported this information to Meek and LAPD Internal Affairs, reasonably believing
17 that he was reporting a violation of the law by Sauvao by intentionally interfering with the
18 bomb detection canine in the performance of his duties at a commercial airport. Los
19 Angeles International Airport is considered a commercial airport. Plaintiff reasonably
20 believed that he disclosed violations of one or more local, state, and/or federal statutes
21 and regulations, including but not limited to California *Penal Code* section 600, subdivision
22 (b), Los Angeles City *Municipal Code* section 49.5.5, and 49 U.S. Code § 46503 -
23 Interference with security screening personnel.

24 19. On or about April 24, 2016, a personnel complaint was then initiated against
25 Sauvao for tampering/attempting to sabotage Hollenbeck's TSA certification by placing
26 pieces of canine reward in certain places to make the dog falsely alert.

27 20. Sauvao was strongly against Hollenbeck's appointment and voiced his
28 opinion to the BDCS Sergeants, Plaintiff and Meek. On or about May 6, 2016, within days

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1 of making the report regarding Sauvao, Meek verbally accused Plaintiff of various work
2 deficiencies based only on hearsay. When Plaintiff asked for specific details of any of the
3 deficiencies, Meek could not provide any.

4 21. On or about May 15, 2016, Hollenbeck was appointed as the new trainer by
5 Plaintiff.

6 22. On or about June 16, 2016, Meek served Plaintiff with a comment card that
7 accused him of bullying his subordinates.

8 23. On or about July 14, 2016, Plaintiff met with Commander Horace Frank and
9 Captain Stephen Sambar to discuss the comment card. During the meeting, Plaintiff
10 informed Frank and Sambar that Meek had moved the three grant-funded canine teams to
11 the Bomb Squad because of her prior romantic relationship with Deluccia. Plaintiff
12 reiterated his prior comments that he had made to Incontro and Solano about Meeks'
13 romantic relationship with Deluccia and how she was using the relationship to retaliate
14 against Plaintiff. Plaintiff also told Frank and Sambar that Meek had, in fact, given more
15 favorable treatment to Deluccia instead of other officers who may be more qualified,
16 thereby creating the potential for officers to claim discrimination or some other type of
17 favoritism to Deluccia because of his relationship with Meek. Plaintiff reasonably believed
18 that this information disclosed violations of one or more local, state, and/or federal
19 statutes and regulations, including but not limited to California *Penal Code* section 600,
20 subdivision (b), Los Angeles City *Municipal Code*, and section 49.5.5, 49 U.S. Code §
21 46503 - Interference with security screening personnel, and the California Fair
22 Employment and Housing Act. During the meeting, Plaintiff also informed Frank and
23 Sambar that Plaintiff believed Meek had issued the comment card to retaliate against
24 Plaintiff. At that point, Sambar threatened Plaintiff, telling him that if he was saying he
25 was a victim of retaliation, he needed to report it and his failure to do so could be deemed
26 misconduct.

27 24. On or about October 19, 2016, Sauvao became aware of the personnel
28 complaint against him because his vehicle and locker were searched. Plaintiff was

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1 present during the searches.

2 25. In or about December 2016, Plaintiff reported to his Sergeants and to Capt.
3 Meek that Sauvao "went off" on him and told him that "everyone (at BDCS) hates you!"
4 Sauvao became increasingly hostile toward Plaintiff. Eventually, Plaintiff issued a Notice
5 to Correct to Sauvao.

6 26. In or about February 2017, Sauvao was interviewed by Internal Affairs
7 regarding the tampering complaint against him. Shortly after that interview, Sauvao and
8 other officers in BDCS aligned with him began to make retaliatory complaints of
9 misconduct against Plaintiff. Those complaints resulted in personnel complaints against
10 Plaintiff for, inter alia, hostile work environment.

11 27. On or about March 1, 2017, Meek requested that Plaintiff be removed from
12 his position in BDCS and that he be reassigned from Emergency Services Division. Meek
13 further requested that Plaintiff be stripped of supervisory responsibilities and that he be
14 assigned to non-supervisory duties for allegedly creating a hostile work environment
15 within BDCS. Meek subsequently requested that Plaintiff also be stripped of his paygrade
16 advancement and that he be downgraded from a Lieutenant II+II position to a Lieutenant I
17 position. The downgrade became effective on or about July 9, 2017.

18 28. Plaintiff has complied with and/or exhausted any applicable claims statutes
19 and/or administrative and/or internal remedies and/or grievance procedures, or are
20 excused from complying therewith. More specifically, on or about August 29, 2017,
21 Plaintiff filed a Governmental Claim for Damages Pursuant to California Government
22 Code §§905 and 910, et seq, and the claim was rejected either expressly or as a matter of
23 law. Plaintiff filed an Amended Governmental Claim for Damages Pursuant to California
24 Government Code §§905 and 910 et seq. on or about December 6, 2017 and the claim
25 was rejected either expressly or as a matter of law. True and correct copies of said claims
26 are attached hereto as *Exhibits "1" and "2"*, respectively. On or about February 8, 2018,
27 Plaintiff filed an administrative complaint with the California Department of Fair
28 Employment and Housing and received an immediate Right to Sue Letter. A true and

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1 correct copy of said letter is attached hereto as Exhibit "3."

2 **FIRST CAUSE OF ACTION FOR RETALIATION**

3 **IN VIOLATION OF LABOR CODE §1102.5**

4 **(Against all Defendants, and Each of Them)**

5 29. Plaintiff incorporates the allegations contained in paragraphs 1 through 28
6 as though herein alleged.

7 30. Plaintiff engaged in one or more protected acts by disclosing what he
8 reasonably believed to be violations of one or more local, state, and/or federal statutes
9 and regulations, including but not limited to California *Penal Code* section 600, subdivision
10 (b), Los Angeles City *Municipal Code*, and section 49.5.5, 49 U.S. Code § 46503 -
11 Interference with security screening personnel, and the California Fair Employment and
12 Housing Act.

13 31. Plaintiff alleges that the conduct described herein is a violation of *Labor*
14 *Code* sections 1102.5, and 1102.6 and that a contributing factor for the Defendants'
15 conduct was to retaliate against Plaintiff for engaging in the protected activities as
16 discussed above. More specifically, Plaintiff's disclosure of information to his supervisors
17 that he reasonably believed were violations of California *Penal Code* section 600,
18 subdivision (b), Los Angeles City *Municipal Code* section 49.5.5, 49 U.S. Code § 46503 -
19 Interference with security screening personnel, and the California Fair Employment and
20 Housing Act, and other applicable federal, state, and local statutes and regulations, was a
21 contributing factor to the Los Angeles Police Department's decision for removing Plaintiff
22 from his position and downgrading him.

23 32. As a result, Plaintiff has lost and will continue to lose a coveted position,
24 standby pay, overtime, a take-home car, his field bonus, and other privileges and benefits,
25 and suffer damage to his reputation.

26 33. As a result, Plaintiff has lost and will continue to lose income and other
27 privileges and benefits, and has sustained and will continue to sustain damage to his
28 reputation. Further, the Department's actions against Plaintiff have impacted and/or are

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1 likely to impact his ability to obtain post-retirement opportunities.

2 34. Plaintiff further alleges that as an actual and proximate result of the
3 retaliatory conduct taken by the Los Angeles Police Department, Plaintiff suffered damage
4 and harm to his reputation in the Department.

5 35. Plaintiff further alleges that as an actual and proximate result of the
6 retaliatory conduct taken by the Los Angeles Police Department, Plaintiffs has suffered
7 and will continue to suffer loss of income, including overtime and pension, and loss of
8 other privileges and benefits.

9 36. Plaintiff further alleges that the foregoing retaliatory actions will substantially
10 and adversely affect Plaintiff's ability to advance and/or promote in the Department, and
11 his ability to secure and/or increase his earning capacity with regard to employment
12 outside the LAPD and/or after his retirement from the LAPD.

13 37. Plaintiff further alleges that as an actual and proximate result of said
14 conduct, Plaintiff suffered emotional distress

15 38. Plaintiff alleges past and continuing retaliatory conduct by the Los Angeles
16 Police Department such that their damages and injuries are continuing.

17 39. Plaintiff further alleges that as an actual and proximate result of the
18 retaliatory conduct of the Los Angeles Police Department, they have incurred and will
19 continue to incur attorney's fees under the applicable provisions.

20 **SECOND CAUSE OF ACTION**

21 **FOR VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT**

22 **AND HOUSING ACT - RETALIATION**

23 **(Against Defendants, and Each of Them)**

24 40. Plaintiff incorporates by reference the allegations of paragraphs 1 through
25 26 as if set forth in full herein.

27 41. Plaintiff reported information to his supervisors that constituted what he
28 reasonably believed to be sexual favoritism and/or discrimination in violation of the Fair

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1 Employment and Housing Act.

2 42. As a result of engaging in said protected activity, Defendants subjected to
3 Plaintiff to one or more adverse employment actions by, inter alia, removing him from a
4 coveted position and downgrading him from his position.

5 43. The conduct as set forth above constituted retaliation thereby creating a
6 continuing violation actionable under, among other things, California Government Code
7 §12940, *et seq.*

9 44. The aforementioned unlawful employment practices on the part of
10 defendants, and each of them, were a substantial motivating factor in causing damages
11 and injuries to Plaintiff.

12 45. As a result of the aforesaid unlawful acts of defendants, and each of them,
13 Plaintiff has lost and may continue to lose income, in an amount to be proven at time of
14 trial. Plaintiff claims such amount as damages together with prejudgment interest
15 pursuant to California Civil Code §3287 and/or any other provision of law providing for
16 prejudgment interest.

18 46. As a further result of the aforesaid unlawful acts of defendants, and each of
19 them, Plaintiff has suffered irreparable damage to his reputation and career within the Los
20 Angeles Police Department including the loss of ability to promote, was personally
21 humiliated and has become mentally upset, distressed and aggravated. Plaintiff claims
22 general damages for such loss of reputation, mental distress and aggravation in an
23 amount in excess of the minimum jurisdiction of the Court to be proven at the time of trial.

24 47. Plaintiff further alleges that as an actual and proximate result of the
25 retaliatory conduct of the Los Angeles Police Department, he has incurred and will
26 continue to incur attorney's fees under the applicable provisions.

27 PRAYER FOR RELIEF

28 WHEREFORE, Plaintiff seeks judgment against all Defendants, and each of them,

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1 as follows:

2 1. General damages for physical, mental, and emotional injuries, pain, distress,
3 suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured
4 feelings, shock, humiliation, indignity, damage to reputation, aggravation, inconvenience,
5 and other non-economic damages in a sum to be ascertained according to proof;

6 2. Economic damages for loss of income, wages, earnings, earning capacity,
7 expenses for health care, services, supplies, medicines, health care appliances,
8 modalities, and/or other related expenses as well as other economic loss in an amount
9 according to proof;

10 3. For other incidental and consequential damages in an amount according to
11 proof;

12 4. For prejudgment interest pursuant to California *Civil Code* §3287 and/or any
13 other provision of law providing for prejudgment interest;

14 5. For other incidental and consequential damages in an amount according to
15 proof;

16 6. For attorney's fees as proper in an amount according to proof;

17 7. For costs of suit herein; and

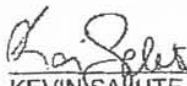
18 8. For such other and further relief as the Court may deem proper.

19 Respectfully submitted,

20 Dated: April 9, 2018

SALUTE LAW

21
22 By:



23 KEVIN SALUTE
24 Attorneys for Plaintiff
25
26
27
28

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EXHIBIT "1"

COPY

1 GREGORY W. SMITH (SBN 134385)
 DIANA WANG WELLS (SBN 284215)
 2 LEILA K. AL FAIZ (SBN 284309)
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 5 Attorneys for Claimant
 6 RAYMOND GARVIN

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7
 8 STATE OF CALIFORNIA
 9 COUNTY OF LOS ANGELES
 10 GOVERNMENT CLAIM
 11

12 IN THE MATTER OF THE CLAIM OF
 CLAIMANT RAYMOND GARVIN,

13 Claimant,
 14 vs.

15 CITY OF LOS ANGELES, and DOES 1
 through 100, inclusive,

16 Respondents.
 17

GOVERNMENT CLAIM FOR DAMAGES
 PURSUANT TO CALIFORNIA
 GOVERNMENT CODE §§ 905 and 910,
 et seq.

18
 19 Please be advised that Claimant Raymond Garvin ("Claimant") hereby submits a
 20 Governmental Claim pursuant to *Government Code* sections 905 and 910, et seq. and
 21 other authorities.

22 1. NAME AND ADDRESS OF CLAIMANT: Raymond Garvin, c/o Gregory W.
 23 Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E,
 24 Beverly Hills, California 90212.

25 2. ADDRESS TO SEND ALL CLAIMS AND OTHER NOTICES: Gregory W.
 26 Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E,
 27 Beverly Hills, California 90212, Telephone: (310) 777-7894, Fax: (310) 777-7895.

28 3. TIMELINESS OF CLAIM: Claimant has timely filed a Government Claim

-1-

CLAIM FOR DAMAGES AND OTHER RELIEF

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1 within six months of one of the acts of retaliation Claimant has suffered as a result of
2 refusing to participate in and/or complaining of illegal practices in the Los Angeles Police
3 Department.

4 4. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE
5 OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE
6 CLAIMS ASSERTED:

6 Date: In or around March of 2016, and continuing.
7 Place: 2029 North Main Street, Los Angeles, California 90012, and 6605 W.
8 Imperial Highway, Los Angeles, CA 90045.

9 Facts: From in or around 1988 until the present, Claimant has been employed by
10 the City of Los Angeles as a sworn peace officer in the Los Angeles Police Department
11 (the "Department"). Claimant attained the rank of Lieutenant in or around 2005, and
12 attained the rank of Lieutenant II in or around 2007.

13 Beginning in or around 2012, Claimant was assigned to as the Officer in Charge of
14 the Emergency Services Division Bomb Canine Unit, which is a Lieutenant II + 2 position.
15 When Claimant became OIC of the Bomb Canine Unit, it was comprised of Claimant, two
16 sergeants, and approximately 15 police officers, each of which worked with an on-leash
17 bomb detection canine.

18 After Claimant became the OIC of the Bomb Canine Unit, he created and secured
19 grant funding for three additional officer-canine teams. These teams were developed to
20 perform more specialized and sophisticated searches, including off-leash searches and
21 searches to detect small vapors emitted by explosives. One of the officers in these three
22 grant-funded canine teams was Police Officer Tom Deluccia.

23 In or around March of 2016, Captain Kathryn Meek became the Commanding
24 Officer of Emergency Services Division ("ESD"). Captain Meek had previously held
25 Claimant's position, and had remained very close to various male police officers in the
26 Unit, including Officer Deluccia, with whom she had been in a romantic relationship. As
27 the Commanding Officer of ESD, Captain Meek took various actions to benefit the male
28 officers she was close to, including Deluccia and officers close to Deluccia.

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1 First, before Captain Meek even started as the Commanding Officer of ESD, she
2 called Claimant and informed him that she was moving the three grant-funded canine
3 teams from the Bomb Canine Unit to the Bomb Squad, which is a separate unit in ESD.
4 Although Claimant requested to discuss this move and its problematic consequences with
5 Captain Meek, Meek refused to have any discussion with Claimant.

6 Captain Meek's movement of the three grant-funded canine teams from the Bomb
7 Canine Unit to the Bomb Squad created various advantages for Officer Deluccia and the
8 other two officers on those teams. Most notably, prior to Captain Meek's decision, all
9 approximately 18 of the officer-canine teams in the Bomb Canine Unit participated in a
10 rotation for Bomb Squad call outs and special overtime details. After Captain Meek
11 moved the three grant-funded canine teams to the Bomb Squad, however, Bomb Squad
12 call outs and special overtime details were assigned exclusively to those three teams,
13 resulting in greater overtime for those three officers.

14 In addition, later in 2016, Captain Meek refused to remove Officer Mark Sauvao
15 from the Bomb Canine Unit, despite the fact that he was being investigated for criminal
16 allegations of attempting to sabotage a colleague's bomb detection certification test, and
17 despite the fact that Sauvao's retention in the Unit during the investigation was provoking
18 retaliation against the colleague.

19 Specifically, earlier in 2016, a Trainer position (a Police Officer III + 5) became
20 vacant in the Bomb Canine Unit. Officer Sauvao, who already held a Trainer position,
21 wanted one of his close friends to fill the vacant position. When a different officer was
22 selected for the position, Officer Sauvao was upset and set out to undermine the new
23 Trainer.

24 On or about April 27, 2016, the new Trainer participated in a bomb detection canine
25 certification test. Shortly thereafter, foreign scent items were found planted in the testing
26 area, and surveillance footage showed Officer Sauvao entering the certification testing
27 area just thirty minutes before the test, and with no justifiable reason. Claimant reported
28 this information to Captain Meek and LAPD Internal Affairs, reasonably believing that it

-3-
CLAIM FOR DAMAGES AND OTHER RELIEF

1 disclosed violations of one or more local, state, and/or federal statutes and regulations,
2 including but not limited to California *Penal Code* section 600, subdivision (b), and Los
3 Angeles City *Municipal Code* section 49.5.5.

4 Within ten days, on or about May 6, 2016, Captain Meek verbally accused Claimant
5 of various work deficiencies based only on hearsay. When Claimant asked for specific
6 details of any of the deficiencies, Meek could not provide any.

7 On or about June 16, 2016, Captain Meek served Claimant with a comment card
8 that accused him of bullying his subordinates.

9 On or about July 14, 2016, Claimant met with Commander Horace Frank and
10 Captain Stephen Sambar to discuss the comment card. During the meeting, Claimant
11 informed Commander Frank and Captain Sambar that Captain Meek had moved the three
12 grant-funded canine teams to the Bomb Squad because of her prior romantic relationship
13 with Deluccia. Claimant reasonably believed that this information disclosed violations of
14 one or more local, state, and/or federal statutes and regulations, including but not limited
15 to Los Angeles City *Municipal Code* section 49.5.5.

16 During the meeting, Claimant also informed Commander Frank and Captain
17 Sambar that Claimant believed Meek had issued the comment card to retaliate against
18 Claimant. At that point, Captain Sambar threatened Claimant, telling him that if he was
19 saying he was a victim of retaliation, he needed to report it and his failure to do so could
20 be deemed misconduct.

21 **6. GENERAL DESCRIPTION OF INJURY:**

22 After Claimant disclosed information to his supervisors that he reasonably believed
23 disclosed violations of California *Penal Code* section 600, subdivision (b), Los Angeles
24 City *Municipal Code* section 49.5.5, and other applicable federal, state, and local statutes
25 and regulations, the Los Angeles Police Department retaliated against Claimant.

26 Specifically, on or about March 1, 2017, Claimant was permanently stripped of his
27 coveted position and transferred to a humiliating assignment in which he uses none of his
28 specialized law enforcement skills, training, or experience. As a result, Claimant has lost

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1 and will continue to lose a coveted position, standby pay, overtime, a take-home car, his
2 field bonus, and other privileges and benefits, and suffer damage to his reputation.

3 In addition, on or about July 9, 2017, Claimant was downgraded from a Lt. II to a Lt.

4 I. As a result, Claimant has lost and will continue to lose income and other privileges and
5 benefits, and has sustained and will continue to sustain damage to his reputation.

6 Further, the Department's actions against Claimant have impacted and/or are likely to
7 impact his ability to obtain post-retirement opportunities.

8 Claimant alleges that the conduct described herein is a violation of *Labor Code*
9 sections 1102.5, and 1102.6. Claimant further alleges that as an actual and proximate
10 result of said conduct, Claimant suffered emotional distress and lost past and future
11 earnings, including loss of overtime and loss of pension. Claimant also claims attorney's
12 fees under the applicable provisions.

13 6. **KNOWN WITNESSES:** Captain Kathryn Meek, PIII+3 Tom Deluccia, PIII+5
14 Mark Sauvaio, Commander Horace Frank, Captain Stephen Sembar (retired), Sgt II+3
15 Randy Goens, Sgt II+3 Deana Stark, Sgt. Mitch Lambdin (retired), Clerk Typist Leslie
16 Edwards P III+5 Ara Hollenback, P III+3 John Borquez, P III+3 John Long, PIII+3 Pete
17 Phermsangngam, P III+3 Al Franco, P III+3 Eric Young, P III+3 Ken Thatcher, P III+3 Joe
18 Getherall, PIII+3 Leslie Salinas, P III+3 Kevin Grogan, P III+3 Darryl Norwood, P III+3
19 Jeremy Cohen, P III+3 Sandra Sanchez, P III+3 Sunny Sasajima, all officers assigned to
20 the ESD Bomb Squad, LAWAPD Captain Mario Patrick, LAWAPD Lt. Edward Trahan,
21 LAWAPD Sgt. Able Torres, LAWAPD Sgt. Heriberto Gonzalez, LAWAPD Sgt. George
22 Jarvis (retired), LAWAPD Sgt. Floyd Johnson, and potentially other employees of the Los
23 Angeles Police Department Emergency Services Division, and potentially other
24 employees of the Los Angeles World Airports Police Department.

25 **7. AMOUNTS CLAIMED:**

26 Pursuant to *Government Code* section 910(f), the amount of compensatory and
27 other damages claimed exceeds \$10,000 and will lie within the unlimited jurisdiction of the
28 Superior Court. Claimant also claims and seeks to recover herein statutory and other

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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is Messenger Express, 5062 Lankershim Boulevard, Suite 135, North Hollywood, California 91601.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing the original thereof enclosed in sealed envelopes, at North Hollywood, addressed as follows:

DATE OF SERVICE : August 29, 2017
DOCUMENT SERVED : **GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO CALIFORNIA GOVERNMENT CODE §§905 and 910, et seq.**
PARTIES SERVED : City Clerk's Office
City of Los Angeles
200 North Spring Street, Room 395
Los Angeles, California 90012

(BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

~~XXX~~ (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

~~XXX~~ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED at Beverly Hills, California on August 29, 2017.

 (Signature)

Print Name: WILLIAM BELTRAN

LIGHTNING MESSENGER EXPRESS

08/29/17 11:28 AM

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EXHIBIT "2"

COPY

1 GREGORY W. SMITH (SBN 134385)
 2 DIANA WANG WELLS (SBN 284215)
 3 LEILA K. AL FAIZ (SBN 284309)
 4 LAW OFFICES OF GREGORY W. SMITH
 5 9100 Wilshire Boulevard, Suite 345E
 6 Beverly Hills, California 90212
 7 Telephone: (310) 777-7894
 8 Telecopier: (310) 777-7895

3
 CITY CLERK'S OFFICE
 RECEIVED DEC - 6 PM 12:27
 CITY CLERK
 B. [Signature]

9 Attorneys for Claimant
 10 RAYMOND GARVIN

11 STATE OF CALIFORNIA
 12 COUNTY OF LOS ANGELES
 13 GOVERNMENT CLAIM

14 IN THE MATTER OF THE CLAIM OF
 15 CLAIMANT RAYMOND GARVIN,

16 Claimant,
 17 vs.

18 CITY OF LOS ANGELES, and DOES 1
 19 through 100, inclusive,

20 Respondents.

GOVERNMENT CLAIM FOR DAMAGES
 PURSUANT TO CALIFORNIA
 GOVERNMENT CODE §§ 905 and 910,
 et seq. (Amended)

21 Please be advised that Claimant Raymond Garvin ("Claimant") hereby submits a
 22 Governmental Claim pursuant to *Government Code* sections 905 and 910, et seq. and
 23 other authorities.

24 1. **NAME AND ADDRESS OF CLAIMANT:** Raymond Garvin, c/o Gregory W.
 25 Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E,
 26 Beverly Hills, California 90212.

27 2. **ADDRESS TO SEND ALL CLAIMS AND OTHER NOTICES:** Gregory W.
 28 Smith, Esq., Law Offices of Gregory W. Smith, 9100 Wilshire Boulevard, Suite 345E,
 Beverly Hills, California 90212, Telephone: (310) 777-7894, Fax: (310) 777-7895.

3. **TIMELINESS OF CLAIM:** Claimant has timely filed a Government Claim

-1-
 CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)

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1 within six months of one of the acts of retaliation Claimant has suffered as a result of
2 refusing to participate in and/or complaining of illegal practices in the Los Angeles Police
3 Department.

4 **4. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE**
5 **OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE**
6 **CLAIMS ASSERTED:**

7 **Date:** In or around March of 2016, and continuing.

8 **Place:** 2029 North Main Street, Los Angeles, California 90012, and 6605 W.
9 Imperial Highway, Los Angeles, CA 90045.

10 **Facts:** From in or around 1988 until the present, Claimant has been employed by
11 the City of Los Angeles as a sworn peace officer in the Los Angeles Police Department
12 (the "Department"). Claimant attained the rank of Lieutenant in or around 2005, and
13 attained the rank of Lieutenant II in or around 2007.

14 Beginning in or around 2012, Claimant was assigned to as the Officer in Charge of
15 the Emergency Services Division Bomb Canine Unit, which is a Lieutenant II + 2 position.
16 When Claimant became OIC of the Bomb Canine Unit, it was comprised of Claimant, two
17 sergeants, and approximately 15 police officers, each of which worked with an on-leash
18 bomb detection canine.

19 After Claimant became the OIC of the Bomb Canine Unit, he created and secured
20 grant funding for three additional officer-canine teams. These teams were developed to
21 perform more specialized and sophisticated searches, including off-leash searches and
22 searches to detect small vapors emitted by explosives. One of the officers in these three
23 grant-funded canine teams was Police Officer Tom Deluccia,

24 In or about early 2016, Plaintiff learned that Captain Kathryn Meeck might be
25 replacing Capt. John Incontro as the Commanding Officer of Emergency Services Division
26 ("ESD"). Upon learning this information, Plaintiff expressed concerns to Capt. Incontro
27 that Meeck's romantic relationship with a subordinate bomb-detection canine officer under
28 Plaintiff's command would create a conflict with Plaintiff and others. More specifically,
29 Plaintiff expressed concerns that because the subordinate officer had conflicts with

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1 Plaintiff over work performance, Meek would retaliate against Plaintiff to create favor for
 2 the officer. In addition, Plaintiff believed that Meek might request and give more favorable
 3 treatment to her love interest as opposed to other officers who may be more qualified.
 4 Plaintiff reasonably believed that he was reporting a potential violation of one or more
 5 local, state, and/or federal statutes and regulations, including but not limited to California
 6 Fair Employment and Housing Act. In or about early 2016, Plaintiff again reiterated his
 7 concerns to Capt. Rolando Solano.

8 In or around March of 2016, Capt Meek became the Commanding Officer of ESD.
 9 Captain Meek had previously held Claimant's position, and had remained very close to
 10 various male police officers in the Unit, including Officer Deluccia, with whom she had
 11 been in a romantic relationship. As the Commanding Officer of ESD, Captain Meek took
 12 various actions to benefit the male officers she was close to, including Deluccia and
 13 officers close to Deluccia..

14 First, before Captain Meek even started as the Commanding Officer of ESD, she
 15 called Claimant and informed him that she was moving the three grant-funded canine
 16 teams from the Bomb Canine Unit to the Bomb Squad, which is a separate unit in ESD.
 17 Although Claimant requested to discuss this move and its problematic consequences with
 18 Captain Meek, Meek refused to have any discussion with Claimant.

19 Captain Meek's movement of the three grant-funded canine teams from the Bomb
 20 Canine Unit to the Bomb Squad created various advantages for Officer Deluccia and the
 21 other two officers on those teams. Most notably, prior to Captain Meek's decision, all
 22 approximately 18 of the officer-canine teams in the Bomb Canine Unit participated in a
 23 rotation for Bomb Squad call outs and special overtime details. After Captain Meek
 24 moved the three grant-funded canine teams to the Bomb Squad, however, Bomb Squad
 25 call outs and special overtime details were assigned exclusively to those three teams,
 26 resulting in greater overtime for those three officers.

27 In addition, later in 2016, Captain Meek refused to remove Officer Mark Sauvao
 28 from the Bomb Canine Unit, despite the fact that he was being investigated for criminal

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1 allegations of attempting to sabotage a colleague's bomb detection certification test, and
2 despite the fact that Sauvao's retention in the Unit during the investigation was provoking
3 retaliation against the colleague.

4 Specifically, earlier in 2016, a Trainer position (a Police Officer III + 5) became
5 vacant in the Bomb Canine Unit. Officer Sauvao, who already held a Trainer position,
6 wanted one of his close friends to fill the vacant position. When a different officer was
7 selected for the position, Officer Sauvao was upset and set out to undermine the new
8 Trainer.

9 On or about April 27, 2016, the new Trainer participated in a bomb detection canine
10 certification test. Shortly thereafter, foreign scent items were found planted in the testing
11 area, and surveillance footage showed Officer Sauvao entering the certification testing
12 area just thirty minutes before the test, and with no justifiable reason. Claimant reported
13 this information to Captain Meek and LAPD Internal Affairs, reasonably believing that it
14 disclosed violations of one or more local, state, and/or federal statutes and regulations,
15 including but not limited to California Penal Code section 600, subdivision (b), Los
16 Angeles City Municipal Code section 49.5.5, and 49 U.S. Code § 46503 - Interference
17 with security screening personnel.

18 Within ten days, on or about May 6, 2016, Captain Meek verbally accused Claimant
19 of various work deficiencies based only on hearsay. When Claimant asked for specific
20 details of any of the deficiencies, Meek could not provide any.

21 On or about June 16, 2016, Captain Meek served Claimant with a comment card
22 that accused him of bullying his subordinates.

23 On or about July 14, 2016, Claimant met with Commander Horace Frank and
24 Captain Stephen Sambar to discuss the comment card. During the meeting, Claimant
25 informed Commander Frank and Captain Sambar that Captain Meek had moved the three
26 grant-funded canine teams to the Bomb Squad because of her prior romantic relationship
27 with Deluccia. Claimant reiterated his prior comments that he had made to Incontro and
28 Solano about Meek's romantic relationship with Deluccia and how she was using the

CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)

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1 relationship to retaliate against Claimant. Claimant also told Frank and Sambar that Meek
 2 had, in fact, given more favorable treatment to Deluccia instead of other officers who may
 3 be more qualified, thereby creating the potential for officers to claim discrimination or
 4 some other type of favoritism to Deluccia because of his relationship with Meek. Claimant
 5 reasonably believed that this information disclosed violations of one or more local, state,
 6 and/or federal statutes and regulations, including but not limited to California Penal Code
 7 section 600, subdivision (b), Los Angeles City Municipal Code, and section 49.5.5, 49
 8 U.S. Code § 46503 - Interference with security screening personnel, and the California
 9 Fair Employment and Housing Act.

10 During the meeting, Claimant also informed Commander Frank and Captain
 11 Sambar that Claimant believed Meek had issued the comment card to retaliate against
 12 Claimant. At that point, Captain Sambar threatened Claimant, telling him that if he was
 13 saying he was a victim of retaliation, he needed to report it and his failure to do so could
 14 be deemed misconduct.

15 **5. GENERAL DESCRIPTION OF INJURY:**

16 After Claimant disclosed information to his supervisors that he reasonably believed
 17 disclosed violations of including but not limited to California Penal Code section 600,
 18 subdivision (b), Los Angeles City Municipal Code section 49.5.5, 49 U.S. Code § 46503 -
 19 Interference with security screening personnel, and the California Fair Employment and
 20 Housing Act, and other applicable federal, state, and local statutes and regulations, the
 21 Los Angeles Police Department retaliated against Claimant.

22 Specifically, on or about March 1, 2017, Claimant was permanently stripped of his
 23 coveted position and transferred to a humiliating assignment in which he uses none of his
 24 specialized law enforcement skills, training, or experience. As a result, Claimant has lost
 25 and will continue to lose a coveted position, standby pay, overtime, a take-home car, his
 26 field bonus, and other privileges and benefits, and suffer damage to his reputation.

27 In addition, on or about July 9, 2017, Claimant was downgraded from a Lt. II to a Lt.
 28 I. As a result, Claimant has lost and will continue to lose income and other privileges and

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1 benefits; and has sustained and will continue to sustain damage to his reputation.
2 Further, the Department's actions against Claimant have impacted and/or are likely to
3 impact his ability to obtain post-retirement opportunities.

4 Claimant alleges that the conduct described herein is a violation of *Labor Code*
5 sections 1102.5, and 1102.6. Claimant further alleges that as an actual and proximate
6 result of said conduct, Claimant suffered emotional distress and lost past and future
7 earnings, including loss of overtime and loss of pension. Claimant also claims attorney's
8 fees under the applicable provisions.

9 6. KNOWN WITNESSES: Captain Kathryn Meek, PIII+3 Tom Deluccia, PIII+5
10 Mark Sauvaio, Commander Horace Frank, Captain Stephen Sambar (retired), Sgt II+3
11 Randy Goens, Sgt II+3 Deana Stark, Sgt. Mitch Lambdin (retired), Clerk Typist Leslie
12 Edwards P III+5 Ara Hollenback, P III+3 John Borquez, P III+3 John Long, PIII+3 Pete
13 Phermsangngam, P III+3 Al Franco, P III+3 Eric Young, P III+3 Ken Thatcher, P III+3 Joe
14 Geherall, PIII+3 Leslie Salinas, P III+3 Kevin Grogan, P III+3 Darryl Norwood, P III+3
15 Jeremy Cohen, P III+3 Sandra Sanchez, P III+3 Sunny Sasajima, all officers assigned to
16 the ESD Bomb Squad, LAWAPD Captain Mario Patrick, LAWAPD Lt. Edward Trahan,
17 LAWAPD Sgt. Able Torres, LAWAPD Sgt. Heriberto Gonzalez, LAWAPD Sgt. George
18 Jarvis (retired), LAWAPD Sgt. Floyd Johnson, and potentially other employees of the Los
19 Angeles Police Department Emergency Services Division, and potentially other
20 employees of the Los Angeles World Airports Police Department.

21 7. AMOUNTS CLAIMED:

22 Pursuant to *Government Code* section 910(f), the amount of compensatory and
23 other damages claimed exceeds \$10,000 and will lie within the unlimited jurisdiction of the
24 Superior Court. Claimant also claims and seeks to recover herein statutory and other
25 penalties, damages, attorney's fees, expert fees, costs as provided by law, including, *inter*
26 *alia*, C.C.P. section 1021.5, *Labor Code* sections 923, 1101, 1102, 1102.5, et seq., and
27 2698, et seq., *Government Code* sections 3300, et seq., 3500, et seq., and 53298, et seq.,
28 and/or other applicable authorities.

CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)

1 Dated: December 6, 2017

LAW OFFICES OF GREGORY W. SMITH

2
3 By: 

4 GREGORY W. SMITH
5 DIANA WANG WELLS
6 LEILA K. AL FAIZ
7 Attorneys for Claimant
8 RAYMOND GARVIN
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CLAIM FOR DAMAGES AND OTHER RELIEF (Amended)